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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-411

12 **MICHELLE DAWN EDWARDS**
13 **988 Kern Street**
Crescent City, CA 95531

ACCUSATION

14 **Registered Nurse License No. 565753**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about March 30, 2000, the Board of Registered Nursing issued Registered
23 Nurse License Number 565753 to Michelle Dawn Edwards ("Respondent"). The Registered
24 Nurse License expired on December 31, 2011, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

4. Section 2764 of the Business and Professions Code ("Code") provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the licensee.

5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

RELEVANT STATUTES AND REGULATIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

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8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

9. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the

1 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
2 exercised by a competent registered nurse as described in Section 1443.5."

3 10. California Code of Regulations, title 16, section 1443.5 states:

4 "A registered nurse shall be considered to be competent when he/she consistently
5 demonstrates the ability to transfer scientific knowledge from social, biological and physical
6 sciences in applying the nursing process, as follows:

7 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
8 and behavior, and through interpretation of information obtained from the client and others,
9 including the health team.

10 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
11 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
12 for disease prevention and restorative measures.

13 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
14 treatment to the client and family and teaches the client and family how to care for the client's
15 health needs.

16 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
17 subordinates and on the preparation and capability needed in the tasks to be delegated, and
18 effectively supervises nursing care being given by subordinates.

19 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
20 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
21 communication with the client and health team members, and modifies the plan as needed.

22 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
23 health care or to change decisions or activities which are against the interests or wishes of the
24 client, and by giving the client the opportunity to make informed decisions about health care
25 before it is provided."

26 COST RECOVERY

27 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 STATEMENT OF FACTS

4 12. At all relevant times, Respondent was employed as a registered nurse in a clinic at
5 Pelican Bay State Prison ("PBSP"), Crescent City, California.

6 Patient A:

7 13. On or about February 2, 2009, Respondent triaged Patient A, who complained of
8 moderate pain from a left-sided inguinal hernia. Respondent attempted and failed to reduce the
9 inguinal hernia. She referred Patient A for a routine follow-up appointment but failed to schedule
10 the return appointment. On February 23, 2009, Patient A returned to the PBSP clinic. He was
11 then observed by a nurse-practitioner to have an enlarged left testicle that required immediate
12 medical intervention.

13 Patient B:

14 14. On or about January 14, 2009, Respondent triaged Patient B who complained of
15 moderately severe right wrist pain from an athletic injury that he sustained six (6) weeks earlier.
16 Respondent noted that he had severe pain with rotation of the wrist. She did not refer Patient B
17 for an x-ray and/or for evaluation by a physician. Respondent scheduled Patient B for a routine
18 follow-up appointment. Patient B was seen again by Respondent two weeks later on January 28,
19 2009, for complaints of increased pain to his wrist. Respondent scheduled Patient B with a routine
20 follow-up appointment. On February 27, 2009, Patient B was seen in the urgent care clinic and
21 was diagnosed as having a right navicular fracture, with a poor prognosis for a full recovery in
22 part due to a delayed diagnosis.

23 Patient C:


24 15. On or about March 20, 2009, Patient C was prescribed Albuterol NFA Inhaler for his
25 asthma. On the evening of April 22, 2009, Patient C advised Respondent that his inhaler was
26 empty and requested that it be replaced. Respondent did not provide Patient C with a refill of his
27 inhaler and/or did not refer him for a higher level of care. The next morning on April 23, 2009,
28 Patient C presented to the clinic in acute respiratory distress.

1 Michelle Dawn Edwards;

2 2. Ordering Michelle Dawn Edwards to pay the Board of Registered Nursing the
3 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
4 Professions Code section 125.3; and

5 3. Taking such other and further action as deemed necessary and proper.

6 DATED: November 20, 2012

7 
8 for LOUISE R. BAILEY, M.ED., RN
9 Executive Officer
10 Board of Registered Nursing
11 Department of Consumer Affairs
12 State of California
13 Complainant

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